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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,175	01/18/2001	Mark Buonanno	CSCO-38240	9529

7590 12/31/2003

WAGNER, MURABITO & HAO LLP  
Third Floor  
Two North Market Street  
San Jose, CA 95113

EXAMINER
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BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/766,175

Applicant(s)

BUONANNO ET AL.

Examiner

Igor Borissov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 7-9, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodwin et al. (US 2002/0059131).**

Goodwin et al. teach a system and method for trading and originating financial products using a computer network, comprising:

**As per claims 7, 20 and 21,**

- displaying a plurality of conditions corresponding to the product to the customer, wherein the conditions are customer selectable ([0054]; [0055]; [0060]; [0068]; [0071]);
- receiving a set of conditions selected by the customer ([0071]; [0072]);
- storing the set of conditions in a memory ([0071]; [0072]; [0094]);
- monitoring the memory to determine whether the conditions can be met, wherein when the conditions are met, the customer may be contacted and offered the product for sale ([0071]; [0072]; [0094]; [0132]);
- provided the conditions are met, proactively establishing a telephonic interaction with the customer ([0147]; [0140]; [0085]).

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Goodwin et al. do not specifically teach that said telephonic interaction or connection with the customer includes interaction between a human agent and the customer.

However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The “displaying a plurality of conditions” through “establishing a telephonic interaction with the customer” steps would be performed the same regardless if a human agent involved or not. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

**As per claim 8**, Goodwin et al. teach said system and method wherein the order is placed on-line ([0094]; [0095]).

**As per claim 9**, Goodwin et al. teach said system and method wherein the order is placed via a B2B exchange or B2B enterprise resource planning ([0099]; [0100]).

**Claims 1-6, 10-19 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodwin et al. in view Cerami et al. (US 2002/0087680).**

Goodwin et al. teach said system and method for trading and originating financial products using a computer network, comprising:

**As per claims 1, 5, 10, 14, 16 and 22,**

- receiving an order placed by a customer ([0054]; [0055]; [0060]; [0068]; [0071]; [0072]; [0094] through [0095]);

- initiating a workflow process to handle the order ([0054]; [0055]; [0060]; [0068]; [0071]; [0072]; [0094] through [0095]);

- proactively establishing a telephonic connection with the customer ([0147]).

Goodwin et al. do not teach notifying a call center agent if a problem occurs during the processing of the order, which enables the call center agent to proactively contact the customer.

Cerami et al. teach a system and method for proactive service request management and measurement, comprising:

- monitoring the workflow process to detect any problems ([0042] through [0048]; [0102]);

- notifying a call center agent if a problem occurs during the processing of the order, which enables the call center agent to proactively contact the customer ([0042] through [0048]; [0102]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Goodwin et al. to include notifying a call center agent if a problem occurs during the processing of the order which enables the call center agent to proactively contact the customer, because it would allow to decrease cost associated with a repair process, and increase customer service level, as specifically taught by Cerame et al. ([005]; [0006]), thereby make it more attractive to the customers.

**As per claims 2, 11, 17 and 23,** Cerami et al. teach said system and method, further comprising the step of automatically fixing the problem and informing the

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customer of the problem and the solution before being contacted by the customer ([0007]; [0042] through [0048]; [0088]; [0098]; [0100]; [0114]).

**As per claims 3, 12, 18 and 24**, Cerami et al. teach said system and method, further comprising the step researching the problem, explaining the problem to the customer, and proposing a solution to the customer before being contacted by the customer ([0007]; [0042] through [0048]; [0114]; [0119]).

**As per claims 4, 13, 19, 25**, Cerami et al. teach said system and method, further comprising the step of establishing a collaboration session between representatives of the customer and the seller to resolve the problem ([0046]; [0056]).

**As per claims 6 and 15**, Goodwin et al. teach said system and method wherein the order is placed via a B2B exchange or B2B enterprise resource planning ([0099] through [0100]).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

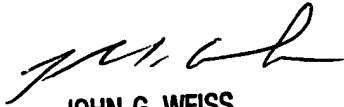
***Washington D.C. 20231***

or faxed to:

**(703) 872-9306** [Official communications; including After Final  
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

IB

  
**JOHN G. WEISS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**